

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 142 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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BHARATBHAI H DESAI

Versus

STATE OF GUJARAT

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Appearance:

MR YOGESH S LAKHANI for Applicant.

MR KP RAVAL, APP for Respondent No. 1

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CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 04/03/99

ORAL JUDGEMENT

Rule. Learned A.P.P., Mr.K.P.Raval, waives service of rule on behalf of respondent-State.

2. Heard learned advocate Mr.Y.S.Lakhani for the applicant and learned APP Mr.K.P.Raval for the respondent-State.

3. Present applicant who is facing the charge under

sections 403, 420, 463, 464, 468, 470, 471, 34, 114, 120(B) etc. of Indian Penal Code, is interested to visit USA and for that he has submitted an application before the court below being Criminal Misc.Appln.No.1230/98. The learned Sessions Judge Rajkot, by his order dated 24.2.99 granted the said application and permitted the applicant-original accused to visit USA by imposing certain conditions. Against that order, and more particularly conditions No.2 and 5, present applicant has preferred present application stating that, previously even during the pendency of the trial also applicant had visited in all six times in USA and he has returned back in time. He has also argued that, previously court below has imposed certain conditions and against that he has preferred Criminal Revision Appln No.638 of 1998, wherein, court has permitted the applicant to visit USA on imposing certain conditions. He has also argued and made statement before the Bar that, in view of the conditions imposed by the court in Criminal Revision Appln. No.638/98, and more particularly, as per the condition No.a, the present applicant had deposited Rs.50,000/- before the trial court, but, he was not able to withdraw the same as per the condition No.c because the original complainant has obtained attachment order from the civil court and because of that order he could not withdraw the same. He has challenged the said order and matter is pending before the appropriate authority. Advancing the said argument, he has requested this court that he has already deposited Rs.50,000/- and which is lying in the court though he is legally entitled to withdraw the same. Looking to the facts and circumstances of the case, even State has no objection, I pass the following order:

4. That the orders passed by the learned Sessions Judge, Rajkot in Criminal Misc. Appln. No.1230/98 passed below Exh.17 dtd.24.2.99 is partly modified to the extent that the conditions Nos.1,3 and 4 will remain in operation and conditions No.2 and 5 is hereby deleted.

5. Application is allowed to the aforesaid extent only. Rule is made absolute in above terms. Direct service is permitted.

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